

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>01/10/2024</u>
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FRIO ENERGY PARTNERS, LLC,

Plaintiff,

-v-

FINANCE TECHNOLOGY LEVERAGE, LLC.

Defendants.  
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22-cv-9766 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court has before it motions to withdraw as counsel filed by both law firms representing corporate Defendant Finance Technology Leverage, LLC. *See* Dkt. Nos. 63, 65. The Court held a conference on the motions on January 10, 2024, at which counsel for Plaintiff, both law firms representing Defendant, and representatives of Defendant were present. This Order memorializes the rulings of the Court at that conference.

The Court GRANTS the motions. Each law firm has shown “satisfactory reasons for withdrawal” under Local Civil Rule 1.4. In addition, while the withdrawal of all counsel for Defendant will invariably result in some delay for dispositive motions and for trial, it will not impact discovery which is concluded. Plaintiff does not oppose a short stay of proceedings for the time necessary for Defendant to obtain successor counsel and does not articulate any prejudice from a short delay in the proceedings. Klein, Hockel, Iezza & Patel, P.C., has asserted a retaining lien. Halperin, Battaglia, Benzija, LLP has not asserted a retaining lien.

Defendant is advised that it is not legally permitted to litigate the case *pro se*, and that withdrawal of counsel may result in a default judgment entered against it. *See S.E.C. v.*

*Research Automation Corp*, 521 F.2d 585, 589 (2d Cir. 1975) (“It is settled law that a corporation may not appear in a lawsuit against it except through an attorney, and that, where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it pursuant to Rule 55.”); *see also Grace v. Bank Leumi Trust Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006), *cert denied*, 549 U.S. 1114 (2007).

The Clerk of Court is respectfully directed to terminate the motions at Dkt. Nos. 63, 65.

The Court will hold a telephone conference to discuss this case on February 16, 2024 at 3:00 PM. Parties are directed to dial into the Court’s teleconference number at 888-251-2909, Access Code 2123101, and follow the necessary prompts. Counsel should be prepared to discuss new dates for dispositive motions and for trial. This action will be STAYED in the interim. All pending deadlines are SUSPENDED and all previously scheduled conferences are CANCELLED. Accordingly, the Clerk of Court is also directed to close Defendant’s letter motion to adjourn the conference previously scheduled for January 18, 2024 at Dkt. No. 62.

SO ORDERED.

Dated: January 10, 2024  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge